

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHAD ROBINSON,

Petitioner,

v.

Criminal Case Number 99-20011

Civil Case Number 07-10001

Honorable David M. Lawson

UNITED STATES OF AMERICA,

Respondent.

_____/

ORDER DENYING MOTION FOR CERTIFICATE OF APPEALABILITY

The petitioner, Chad Robinson, was convicted of conspiracy to manufacture 1000 or more marijuana plants. After the court of appeals affirmed his conviction and sentence, Robinson filed a motion under 28 U.S.C. § 2255 to vacate his sentence. The Court dismissed the petitioner's motion in an order dated February 16, 2007 because it was filed more than one year after his conviction became final, and therefore was barred by the statute of limitations contained in 28 U.S.C. § 2255.

The petitioner now has filed a motion for certificate of appealability. A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Courts must either issue a certificate of appealability indicating which issues satisfy the required showing or provide reasons why such a certificate should not issue. 28 U.S.C. § 2253(c)(3); Fed. R. App. P. 22(b); *In re Certificates of Appealability*, 106 F.3d 1306, 1307 (6th Cir. 1997). To receive a certificate of appealability, "a petitioner must show that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotes

and citations omitted). The Court finds that reasonable jurists could not debate that this Court correctly concluded that the petitioner's motion under section 2255 was barred by the statute of limitations. Therefore, the Court will deny the petitioner a certificate of appealability.

Accordingly, it is **ORDERED** that the petitioner's motion for a certificate of appealability [dkt # 616] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 29, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 29, 2009.

s/Felicia M. Moses
FELICIA M. MOSES